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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/544,098

05/04/2006

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EXAMINER

MARC, MCDIEUNEL

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

01/27/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/544,098	<b>Applicant(s)</b> BARKOWSKI ET AL.	
	<b>Examiner</b> MCDIEUNEL MARC	<b>Art Unit</b> 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/26/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/26/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The application filed on 08/01/2005 has been examined. Claims 12-33 are pending, and new claim 34 have been added.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

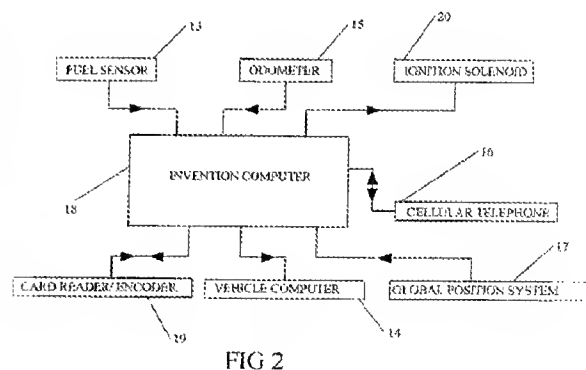
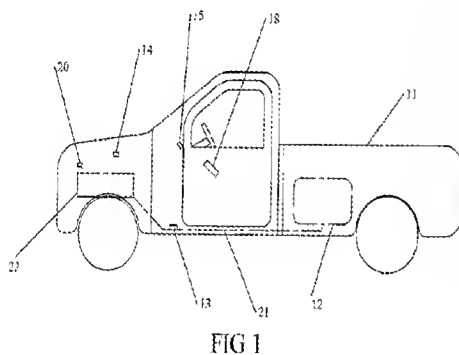
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12-14 and 16-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al., (US 2003/0195676).

**As per claim 12, Kelly et al., 2003/0195676** teaches a vehicle monitoring system that includes a *computer system in a vehicle* (see Fig. 1, element 18 and Fig. 5 and abs., wherein “vehicle monitoring system for use with one or more vehicles of a business, which includes a computer system”), *comprising: at least two computers that perform different tasks* (see Fig. 1, elements 14, 18 has shown clear evidence of two computers in the vehicle; and Fig. 2, element 18 for the first computer, and any of elements 14, 16, 17, 19 of figure 2, have been taken as the second computer which being considered perform different tasks), *wherein: a distribution of the*

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tasks among the at least two computers takes place according to a significance of functions for a driving of the vehicle (see Fig. 2, elements 18, 14, 16, 17, 19, and Fig. 5, element 48; Note that cellular telephone 16, GPS 17, card reader 19, vehicle engine computer 14, are themselves separate computers. These separate computers located within the vehicle for performing different tasks, and are connected to main computer 18), the functions including driving-related functions that are implemented in a first computer of the at least two computers (see Fig. 2, elements 16 and 17, being taken for driving and non-driving function, with respect to element 17, when the device is in motion it has been considered as driving related function), and non-driving-related functions that are implemented in a second computer of the at least two computers (see Fig. 2, elements 16 and 17, have been taken as non-driving-related functions depend on the require function of the device).



As per claim 13, Kelly et al., 2003/0195676 teaches a vehicle monitoring system wherein the driving-related functions are vehicle-specific functions (see Fig. 2, elements 16, 18 and 17, particularly elements 16 and 17 have been considered as having driving-related functions).

**As per claim 14, Kelly et al., 2003/0195676** teaches a vehicle monitoring system that includes a *wherein the driving-related functions contain specific information connected with at least one of: one of an operation, a navigation, and a driving of the vehicle, a warning and an orientation of a driver* (see Fig. 2, elements 16 and 17), *and the driving-related functions form a driver-related HMI<sup>1</sup> and a driver information system* (see Fig. 2, elements 16, 17 and Fig. 5, element 48 has been considered as means for having MHI logic function).

**As per claim 16, Kelly et al., 2003/0195676** teaches a vehicle monitoring system that includes a *wherein: the driving-related functions include at least one of the following functions: navigation systems* (see Fig. 2, element 17), *one of an HMI logic system and an HMI manager that one of controls and evaluates a display and an operation of the vehicle* (see Fig. 2, element 17 and Fig. 5, element 48 has been considered as means for having MHI logic function an display), *one of speech recognition software and speech synthesis software, a program for outputting one of driving instructions and driver warnings* (see Fig. 2, element 17, wherein inherently a GPS system being known for having text to speech function and speed warning etc.), *and a representation of two-dimensional maps for orientation* (see Fig. 2, elements 16 and 17, inherently GPS has been known for as means for displaying two-dimensional maps), *and the non-driving-related functions include at least one of the following functions: an Internet browser, a service download, a representation of three-dimensional graphics, an application for entertaining passengers, a game, a video reproduction system, a digital video broadcast system* (see Fig. 2, element 16, inherently a cell phone system being known having an Internet browser,

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<sup>1</sup> **Fully Integrated HMI.** Logic Developer-PC works seamlessly with the fully integrated CIMPPLICITY Machine Edition View product, giving you the power of alarming, scripting, data logging, and recipe management. With the fully configured Web Server, you can view and control your plant using a standard Web browser.

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a service download, a representation of three-dimensional graphics, an application for entertaining passengers, a game, a video reproduction system, a digital video broadcast); *and a connection of connectable portable devices including one of a laptop and a PDA* (see Fig. 5, wherein by design choice element 16, being considered a PDA; and element 48 has been considered as a laptop).

**As per claim 17, Kelly et al., 2003/0195676** teaches a vehicle monitoring system that includes a *wherein the second computer is a powerful multimedia computer* (see Fig. 2, elements 14, 16, 17 and 19 have been considered as powerful multimedia).

**As per claim 18, Kelly et al., 2003/0195676** teaches a vehicle monitoring system that includes a *wherein at least one interface provided between the first computer and the second computer* (see Fig. 5, element 31, wherein internal or not has been considered as interface between elements 18 and 48).

**As per claim 19, Kelly et al., 2003/0195676** teaches a vehicle monitoring system that includes a *wherein the first computer is connected to an internal vehicle bus* (see Figs. 2 and 5 all the lines from element 18 have been considered internal bus).

**As per claim 20, Kelly et al., 2003/0195676** teaches a vehicle monitoring system *wherein a computing-intensive function of a driving-related part are computed in a non-driving-related part* (see Fig. 2, element 16 and 17, as noted above).

**As per claim 21, Kelly et al., 2003/0195676** teaches a vehicle monitoring a *wherein the first computer gives computing-intensive tasks to the second computer, and the first computer*

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*executes the computer-intensive tasks if the second computer is not available* (see Fig. 2, elements 18 and 14, 16, 17, 19 and Fig. 5, element 48, wherein all the elements beings considered as functional with the exclusion of element 48 which has been considered as the second computer and with respect to “computer-intensive tasks” see [0066], particularly “When the vehicle 11 is at rest, the computer 18 continually asks if the operator intends to perform another task”).

**As per claim 22, Kelly et al., 2003/0195676** teaches a vehicle monitoring system that includes a *multimedia computer for use in a motor vehicle, wherein the multimedia computer implements entertainment functionalities and is connected via at least one interface with an additional computer that implements driving functions* (see Fig. 2, elements 16, 18 and Fig. 5, element 48 and 49).

**As per claim 23, Kelly et al., 2003/0195676** teaches a *computer system in a vehicle* (see Fig. 1, elements 14 and 18), *comprising:*

*a first processing unit configured to perform driving-related functions* (see Fig. 2, element 18 and elements 16 and 17 have been considered for “*driving-related functions*” in considering GPS technology); *a second processing unit configured to perform a second set of functions* (see Fig. 2, elements 14, 16, 17, 19 and even Fig. 5, element 48 has been considered as second processing unit; Note that cellular telephone 16, GPS 17, card reader 19, vehicle engine computer 14, are themselves separate computers. These separate computers located within the vehicle for performing different tasks, and are connected

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to main computer 18); *a data transfer connection between the first and second processing units* (see Fig. 2, elements 16 and 17, and Fig. 5, element 48, wherein the second computer performs different task as noted above); *the system configured to distribute driving-related functions to the first processing unit and the second processing unit, based at least in part on an availability of the respective processing units* (see Fig. 2, elements 16-18); *and the system configured to distribute the second set of functions exclusively to the second processing unit* (see Fig. 2, element 18, 14, 16, 17, Fig. 3 and Fig. 5, elements 13 and 15 being taken as exclusive of element 48).

**As per claim 24, Kelly et al., 2003/0195676** teaches a system *wherein the system is configured to modify the second set of functions based on user input* (see Figs. 2-3, particularly elements 18, 14, 16 and 17 of figure 2), *and wherein the system is configured to restrict modification of the driving-related functions* (see Fig. 2, elements 18, 14, 16 and 17).

**As per claim 25, Kelly et al., 2003/0195676** teaches a system *wherein the second processing unit is a receiving subsystem with an interface configured to interface with a plurality of equipment added to the system via the interface* (see Fig. 3, elements 16 and 17).



**As per claim 26, Kelly et al., 2003/0195676** teaches a system *wherein the second sets of functions include enhancements of the driving-related functions* (see Fig. 3, elements 16 and 17).

**As per claim 27, Kelly et al., 2003/0195676** teaches a system *wherein one enhancement includes interactive graphical maps* (see Figs. 2-3, element 17 and Fig. 5, element 17 has been considered as means for displaying graphical maps), *and wherein one driving-related function, associated with the one enhancement, includes basic navigation data* (see Figs. 2-3, elements 17).

**As per claim 28, Kelly et al., 2003/0195676** teaches a system *wherein the first processing unit is configured as a master processing unit and the second processing unit is configured as a slave processing unit* (see Fig. 2, element 18 as the master and elements 14, 16, 18 and 19 have been considered as slave).

**As per claim 29, Kelly et al., 2003/0195676** teaches a system *wherein the second processing unit is configured with more processing power than the first processing unit* (see fig. 3, and such limitation does not have any patentable weight, for it is a design choice).

**As per claim 30, Kelly et al., 2003/0195676** teaches a system *wherein the second processing unit is optimized for multimedia processing* (see Fig. 3).

**As per claim 31, Kelly et al., 2003/0195676** teaches a system *wherein the system is configured to modify the second set of functions based on user input* (see Figs. 2-3, particularly elements 18, 14, 16 and 17 of figure 2), *wherein the system is configured to restrict modification of the driving-related functions* (see Fig. 2, elements 18, 14, 16 and 17), *wherein the second processing unit is a receiving subsystem with an interface configured to interface with a plurality of equipment added to the system via the interface* (see Figs. 2-3, as noted above), *wherein the second set of functions include enhancements of the driving-related functions* .

**As per claim 32, Kelly et al., 2003/0195676** teaches a system *wherein one enhancement includes interactive graphical maps* (see Fig. 2, element 17 and Fig. 3, element 17, have been considered as means for displaying graphical maps), *and wherein one driving-related function, associated with the one enhancement, includes basic navigation data* (see Fig. 2, elements 16 and 17), *wherein the first processing unit is configured as a master* (see Fig. 2, element 18) *processing unit and the second processing unit is configured as a slave processing unit* (see Fig. 2, elements 14, 16, 17 and 19, as noted above), *wherein the second processing unit is configured with more processing power than the first processing unit* (see Fig. 2, elements 14, 16, 17 and 19, as noted above by design choice; Note that the secondary computers have considered having

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extra batteries), *and wherein the second processing unit is optimized for multimedia processing* (see Figs.2 and 3 as noted above).

**As per claim 33, Kelly et al., 2003/0195676** teaches a *computer system in a vehicle* (see Figs. 1, 2, and 5, element 18), *comprising: a graphics processor* (see fig. 3, elements 16 and 17); *and at least two computers that perform different tasks* (see Fig. 2, elements 18 and 14, 16, 17, 19 and Fig. 5, element 48, wherein two computers system that performs different task), *a distribution of the tasks among the at least two computers being performed in accordance with a significance of functions for guidance of the vehicle* (see Fig. 2, elements 16 and 17), *wherein a first one of the computers includes functions related to driving* (see Fig. 18), *wherein a second one of the computers includes functions not related to driving* (see Fig. 2, element 19), *wherein the computers are connected to the graphics processor, and wherein the computers communicate with each other via one predefined interface* (see Fig. 3, section [0048]).

**As per claim 34, Kelly et al., 2003/0195676** teaches a *computer system in a vehicle* (see Fig. 1), *comprising: a graphics processor* (see Fig 1, element 18); *and*

*at least two computers that perform different tasks* (see Fig. 1, elements 14, 18 has shown clear evidence of two computers in the vehicle; and Fig. 2, element 18 for the first computer, and any of elements 14, 16, 17, 19 of figure 2, have been taken as the second computer which being considered perform different tasks), *a distribution of the tasks*

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*among the at least two computers being performed in accordance with a significance of functions for guidance of the vehicle (see Fig. 2, elements 16 and 17),*

*wherein a first one of the computers includes functions related to driving (see Fig. 2, elements 14 and 18), wherein a second one of the computers includes functions not related to driving (see Fig. 2, elements 16 and 17, as noted above),*

*wherein the computers are connected to the graphics processor, wherein the computers communicate with each other via one predefined interface (see Figs. 2 and 3 as noted above), and*

*wherein the first one of the computers is a closed system, the second one of the computers is an open system (see Fig. 2, element 18 has taken as closed and elements 16 and 17 have been taken as open), and the open system permits a user to make changes to software or to a configuration (see Figs. 2-3, element 16 and 18 being known for user's manipulation of any form of fashion etc.).*

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al..

**As per claim 15, Kelly et al., 2003/0195676** teaches essential features of the invention substantially as claimed, but fails to teach explicitly a system *wherein the non-driving-related functions are entertainment-specific functions*.

Implicitly Kelly et al. teaches system *wherein the non-driving-related functions are entertainment-specific functions* (see Fig. 2, elements 17, has been considered having entertainment capabilities functions even element 16 nowadays contains entertainment capabilities functions for vehicle applications. Also note that using GPS device for in-vehicle entertainment is a well known function, therefore such limitation does not have patentable weight).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to shade light on Kelly's et al., vehicle in combination with the GPS and Cellular Telephone, because this clarification would have shaded light on the full function of

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elements 16 and 17, thereby improving the efficiency and the reliability of the computer system in a vehicle.

### ***Response to Arguments***

7. In response to the applicant's allegation that inherent characteristics necessarily flows from the teachings of the applied prior art, Examiner elaborates on the interpretation of Kelly's 676' art in great detail.

As to the reference not teaching a computer system in a vehicle (see Figs. 1-2, elements 14 and 18);

As to the reference not teaching at least two computers (see Fig. 1-2, elements 14 and 16, 17, 18 and 19);

As to the reference not teaching a second computer not in the vehicle has not been claimed, therefore such remark has been ignored;

As to the reference not teaching one computer in the vehicle and one computer outside the vehicle (see Kelly's Fig. 2, elements 18 and 16);

As to the reference not teaching a computing-intensive function of a driving-related part are computed in a non-driving-related part (see Fig. 2, elements 16 and 17);

As to the reference not teaching the first computer gives computing-intensive tasks to the second computer (see Fig. 2, element 18, 14, 16 and 17 ), and the first computer executes the computer-intensive tasks if the second computer is not available (see Kelly's Fig. 2, elements 16, 17 and 19);

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As to the reference not teaching the system is configured to modify the second set of functions based on user input (see Figs. 2-3, particularly elements 16 and 17), wherein the system is configured to restrict modification of the driving-related functions (see Fig. 2, elements 18, 14, 16 and 17), *and wherein the system is configured to restrict modification of the driving-related functions* (see Fig. 2, elements 16 and 17 as noted above), wherein the second processing unit is a receiving subsystem with an interface configured to interface with a plurality of equipment added to the system via the interface (see Fig. 2-3, as noted above), wherein the second set of functions include enhancements of the driving-related functions (see Fig. 2-3, as noted above); a first one of the computers is a closed system, the second one of the computers is an open system, and the open system permits a user to make changes to software or to a configuration (see Fig. 2, elements 18 as been considered as closed and elements 16 and 17 and open).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MCDIEUNEL MARC whose telephone number is (571)272-6964. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/McDieunel Marc/**

Examiner, Art Unit 3664

**/KHOI TRAN/**

Supervisory Patent Examiner, Art Unit 3664